**Mandate of the Special Rapporteur on the Independence of Judges and Lawyers
Questionnaire on the Role, Composition and Functions of Bar Associations**

1. Please provide information on the way the legal profession is organised and regulated in your country. What are the legal bases for its establishment (e.g. constitutional provisions; ordinary law or other)? Please also indicate the main legal provisions protecting the right of lawyers to freely join or create a local, national or international association, and mention the existing associations.

**Estonian Bar Association is a self-governing professional association acting on local government administration principles for the organization of the provision of legal service in private and public interest and defending of the professional rights of the attorneys. Estonian Bar Association assists the members of the Bar Association in their professional activity and performs surveillance, also looks out for the carrying on of the traditions of Estonian attorneys. Among the rest the Bar Association organizes professional in service training of the attorneys, relations with the lawyers, state companies and several local and foreign organizations and actively participates in legislative drafting. The Bar Association also organizes the performing of the public law function – performing of defence and representation in civil and administrative matters for a fee payable by the state. Estonian Bar Association Act provides the organisation of Bar Association and the legal bases for the activities of advocates, associated members of the Bar Association and advocates of a foreign state.**

**The Bar Association operate pursuant to the law, legal acts of the bodies of the Bar Association, and good morals.**

**You may find English version of Estonian Bar Associatin Act from here:** [**https://www.riigiteataja.ee/en/eli/ee/519122017002/consolide/current**](https://www.riigiteataja.ee/en/eli/ee/519122017002/consolide/current)

1. Does a professional association of lawyers play a role in the regulation of the profession? If so, please provide information on:
2. the exact denomination of the body;
3. the legal basis for its establishment (e.g. constitutional provisions; ordinary law or other);
4. whether the association has been established as an ‘independent’ and self-governing association;
5. the composition and appointment process of the executive body of the association.

**Yes. According to the Estonian Bar Association Act § 6 the legal acts and resolutions adopted by the bodies of the Bar Association shall be mandatory for the members of the Bar Association. The bodies of the Bar Association are the general assembly, the Board, the Chairman, the revision committee, the court of honour and the professional suitability assessment committee.**

1. Please provide information on the relationship between the association of lawyers and the Executive, Legislative and Judiciary powers. In particular, please provide information on the role of the Ministry of Justice and/or the judiciary in relation to the establishment and functioning of this association.

**Estonian Bar Association established with Estonian Bar Association Act. You may find information about the role of ministry from Estonian Bar Association Act.**

1. Please provide information on the role that professional associations of lawyers play with regard to:
2. the admission process to the legal profession and the licensing of lawyers;
3. the conduct of disciplinary proceedings against lawyers;
4. the provision of legal aid;
5. the protection of individual lawyers from any form of intimidation, hindrance, harassment or improper interference in the exercise of their functions;
6. the development and implementation of legislation concerning the free exercise of the legal profession and the administration of justice.

**According to Estonian Bar Association Act § 3 the Bar Association is competent to:**

 **1) admit members to and exclude members from the Bar Association;**

 **2) exercise supervision over the processional activities of the members of the Bar Association and their compliance with the requirements for professional ethics;**

 **3) exercise supervision over the professional activities of advocates of foreign states who are practising in Estonia and their compliance with the requirements for professional ethics;**

 **4) organise in-service training for advocates;**

 **5) organise the provision of state legal aid and ensure the provision of state legal aid through its members;**

**6) administer the assets of the Bar Association;**

 **7) resolve other matters relating to advocates’ professional activities.**

1. Is membership in the professional association of lawyers mandatory to practice law in your country? In case membership is a prerequisite to practice law, please provide detailed information on the measures the State has taken to ensure access to justice in cases where there is a shortage of lawyers in the whole country or part of its territory.

**No.**